



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

April 26, 2023

VIA ECF

Hon. Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Lutumba v. Cioppa*, No. 23 Civ. 685 (JLR)**

Dear Judge Rochon:

This Office represents the government in this action. I write respectfully to inform the Court that the government has not yet been served with the summons and the complaint in this matter, and to request that the Court adjourn the initial conference presently scheduled for May 3, 2023, until on or after the government's deadline to respond to the complaint—which will be 60 days after plaintiff completes service on the government.

Yesterday, our Office learned of this litigation through a voicemail that plaintiff's counsel left shortly after noon for one of my colleagues who is currently on leave. This was the first time that our Office became aware of this action; our records show that we were never served with the summons and the complaint. I was assigned to this matter yesterday afternoon, and I immediately reached out to plaintiff's counsel, who indicated that she could not "find a receipt of [the] mailing[s]" to this Office, to the Attorney General of the United States, or to the named federal officer defendant. *See* Fed. R. Civ. P. 4(i)(1), (2). Given the 90-day time limit for service set forth in Rule 4(m), which expires today, plaintiff's counsel has represented that she will mail out copies of the summons and the complaint today.

Because the government has not yet been served and was not aware of this action prior to yesterday afternoon, the government has not yet had an opportunity to review the complaint or to confer with agency clients. The government thus respectfully submits that an adjournment of the initial pretrial conference until after the response deadline would be in the interests of efficiency and conservation of judicial and party resources, as it would allow time for plaintiff to complete proper service on the government and permit the government to determine its litigation position.

This is the government's first request to adjourn the initial conference. The plaintiff consents to the adjournment.

I thank the Court for its consideration of this letter.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


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cc: Counsel of record (via ECF)

The request to adjourn the May 3, 2023 Conference is GRANTED. The Court will hold an initial pre-trial conference on **August 2, 2023 at 11:00AM.**

Dated: April 26, 2023  
New York, New York

**SO ORDERED.**

  
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**JENNIFER L. ROCHON**  
United States District Judge